

Carlisle Conservation Commission Minutes

August 16, 2012

Approved: 9/27/2012

Kelly Guarino called the meeting to order at 7:30. Peter Burn, Tom Brownrigg, Jenifer Bush, Luke Ascolillo and Lee Tatistcheff and Conservation Administrator Sylvia Willard were also present. Tom Brown was not present.

7:35 Bills, Minutes, General Agenda Items and New/Pending or Old Business

Minutes

Brownrigg, Bush and Guarino submitted grammatical edits to the August 13, 2009 minutes. Bush moved to accept the August 13, 2009 minutes as amended. Brownrigg seconded the motion. Ascolillo and Tatistcheff abstained and all others voted in favor.

Brownrigg and Guarino submitted grammatical edits to the April 23, 2009 minutes. Bush moved to accept the April 23, 2009 minutes as amended. Brownrigg seconded the motion. Ascolillo and Tatistcheff abstained and all others voted in favor.

Brownrigg, Guarino, and Bush submitted grammatical edits to the August 19, 2010 minutes. Bush moved to accept the August 19, 2010 minutes as amended. Brownrigg seconded the motion. Tatistcheff abstained and all others voted in favor.

Brownrigg submitted edits to the September 9, 2010 minutes. Brownrigg moved to accept the September 9, 2010 minutes as amended. Burn seconded the motion. Tatistcheff abstained and all others voted in favor.

Certificates of Compliance

DEP 125-197, 1177 Curve Street, Project: Construction of a house, pool, landscaping Issued: 6/19/1978. A COC on this property had been issued and recorded at the Registry of Deeds in the 1980s but was missing a DEP number and is therefore invalid. **Burn moved to issue a Certificate of Compliance to DEP 125-197. Tatistcheff seconded the motion and all voted in favor.**

DEP 125-014, 845 Maple Street, single story addition to a single family home, Issued 6/19/1978, COC issued 3/27/1979 (unrecorded). This property has already been issued a COC, but it was not recorded at the Registry. **Burn moved to issue a Certificate of Compliance to DEP 125-014, 845 Maple Street. Tatistcheff seconded the motion and all voted in favor.**

DEP 125-021 845 Maple Street, draining and dredging a pond located behind a dam, Issued 11/2/1978. According to the NOI, the dam was built in 1928 and the upstream construction work in Billerica caused a pond on the homeowner's property to fill with silt. There is no information about how the pond was drained or dredged and whether it was done in compliance with the Orders of Conditions. The property the pond is located on has since been subdivided and no longer belongs to the owners of the house. Willard asked DEP what they would advise doing; they suggested that a COC be issued. **Bush moved to issue a Certificate of Compliance to DEP 125-021, 845 Maple Street. Ascolillo seconded the motion and all voted in favor.**

Enforcement Orders

110 Maple Street

This Enforcement Order was issued because after a tree was cut down, the pieces were discarded in the wetlands. The Enforcement Order gave conditions that required the property

owners to remove the tree from the wetlands within a week. Willard did a site visit and reported that two logs were still in the wetlands. The owners report that they have now removed those two logs as well. Guarino is an abutter and did not sign the Enforcement Order.

80 Westford Road, Carlisle Fire Department

Behind the Carlisle Fire Station, work was done to remove pavement, a rock, fill and repave the parking lot. Because they did not have the final plan for the previously installed fire cistern in their files, they were not aware that they were working within Conservation Commission jurisdiction. They are putting together a wetland filing and a plan for plantings. Ascolillo and Willard assessed the situation and Ascolillo signed and issued the Enforcement Order. **Brownrigg moved to affirm the Enforcement Order issued to 80 Westford Road. Tatistcheff seconded the motion and all voted in favor.**

Cutters Ridge

The residents of Cutters Ridge would like the Town of Carlisle to accept Cutters Ridge Road as a town road. The road was put in in the late 1980s. They had an Order of Conditions which included a wetland crossing and a replication area. Cutters Ridge has not been accepted because, it appears at this time, no Certificate of Compliance was issued. Willard believes this is because the replication area may not been correctly constructed and functioning. Willard is doing more research in town files about what happened during construction and why the Conservation Commission at the time did not issue a COC. Guarino asked whether the Senior Tax Credit Worker would be able to do some of this research. Willard did not know whether he would be available to do this work in time. The residents of Cutters Ridge will need to provide the evidence that the work was done in compliance with the Orders of Conditions. There is no action required at this time. Willard felt that the Commission needed to know that the issue would be needing their attention in the future.

Chelmsford Conservation Commission and the Barnes Terrace Wellfield Project

Ascolillo and Atty. Francis DiLuna attended the August 7, 2012 Chelmsford Conservation Commission meeting. The Chelmsford Water District was also present. Chelmsford lawyers initially said that because of Article 97, the Barnes Terrace Wellfield Project would have to go to Town Meeting. After talking to DEP and their lawyer, it was decided that an unrecorded Right of First Refusal would be sufficient. DiLuna asked for a letter from the Chelmsford attorney about this procedure. The Chelmsford Conservation Commission asked the Water District to come before them again in order to discuss what land they will require rights to and the legality of this procedure. Ascolillo reports that it was unclear why the Water District was interested in this particular location and whether the Water District would be able to pump more water than the amount requested if the Barnes Terrace Wellfield Project goes through. DiLuna will respond to the Chelmsford lawyer's letter. Guarino asked whether the Selectmen needed to authorize DiLuna to inquire more billable time. They do not believe so.

8:00 Carlisle Housing Authority, Benfield Farms Well Plan

Mark Beaudry and Steve Smith came before the Commission to present the Well Plan for approval. The details of the Well Plan were presented at the previous meeting on July 19, 2012, and the same plan with some changes was presented at this meeting. One of these changes

included the location of the well. At the site walk on July 31, 2012, the well site was staked out according to the original 2010 plan. The well has since been moved back roughly 60ft, which is reflected in the plan. More recently, the well site was moved 14ft to the South West. This means that the waste disposal site is now out of the Interim Wellhead Protection Area (IWPA). These final plans have been presented to the Board of Health.

Steve Smith presented the Well Plan. The testimony given was the same as that given on July 19, with some exceptions. The well will still be accessed by the cart path. A dump truck will be backed down the cart path, dropping gravel as needed. There are a couple of trees that have fallen or are leaning over the path, which will need to be removed. The boulder will need to be moved in order to allow the trucks to drive down the path. Wetland flags will mark the wetlands. The well drilling rig itself is 35 tons and 45ft long and will be accompanied by a support truck of similar size. Once at the well head both trucks will be parked on mats.

A single well, six inches in diameter will be drilled. Next to the drilling site will be a large pit into which the cuttings and water will be directed. A double row of hay bales will filter the water as it flows out of the pit. The water will then flow over land toward Spencer Brook. There is a natural berm that will help direct the water. The cuttings from the pit will be removed after the drilling is done and stored in Lot 1, for use as pathway material later on. This drilling will take two days, after which the well drilling rig and support truck will leave the site.

A 2 ton pump truck will install a 3 horse power pump at 600-700ft depth. The pump truck will come back, bringing a large generator on a trailer. Burn asked about noise from the generator and was told that after 500ft it should not be loud. A short 24hr initial test will be done. The water will be pumped out of the well and discharged directly into Spencer Brook via a hose with a diffuser at the end to avoid disturbing the stream bed. They anticipate the discharge to be 10-15 gallons per minute. A second 48 hour test will be conducted in the same manner during which the well will be monitored at all times. At the end of this test, water samples will be taken for testing. The pump will stay in the well, but the generator and pump truck will leave. The pit will be refilled with native soil and the hay bales will be removed.

Willard thought that the refilled pit would need to be seeded as well. Beaudry said that it would be possible to recover it with the original vegetation. That was deemed acceptable, provided that this vegetation was still alive. In the well plan itself, Willard would like the words “nearby wetland resources” to be changed to “wetland resources” to more accurately reflect the situation. She also wanted it to be made clear in the Well Plan that the buried utilities and the permanent site access road are not to be done until the viable water resources are found and permitted.

Beaudry reported that in order to allow the necessary trucks to drive down the cart path, all bends in the path must have a radius greater than or equal to 50 degrees. There is a boulder located alongside that path around which the cart path goes at too sharp a bend; the boulder must be moved in order to get the trucks down the path. At the site walk, a second, partially buried rock was discovered. Ideally it will be desirable to move both rocks although it is possible that the second rock is much larger than anticipated and will not be movable. Plans for two options were submitted to the Commission. Option 1 is the original plan, with a field change to allow for the removal of the second rock. Option 2 moves only the first rock, however the road would have a greater impact on the wetlands. Option 1 is preferable. Wetland disturbance in both situations will be below 5000 square feet. The contractor believes moving these rocks will be straightforward.

Doug Harris, the Preservationist for Ceremonial Landscapes from the Narragansett Indian Tribal Historic Preservation Office (NITHPO) came before the Commission claiming that the first rock is a ceremonial stone. He says that NITHPO is not opposed to moving the rock because they understand it has been moved in the past. They request that the rock be returned to its original location. He thought the stone was in the flow of a stream, 15 feet North West of the path. The oval shape of the rock should be in line with the stream. Harris had not seen the stone prior to being moved and will be doing more research as to its exact location. The Commissioners had previously assumed that the stone had come out of the small vernal pool because there is a hole there. Brownrigg agreed that it was unlikely that the boulder came from the vernal pool because there are several rocks in the vernal pool. Harris has no concerns about the location of the second rock. Harris requested a site visit to discuss the plans to move the stone, and to look for any other ceremonial stones. Bush thought that moving the stone to its original location was reasonable, but she was concerned about the impact moving the stone into a stream would have on the wetland. Guarino pointed out that the stone is currently in the wetlands, and would be in wetlands in either of the other options. The boulder will probably be moved within the next few weeks, but as soon as August 20, 2012. Bush would like to have the new location of the boulder documented on a plan. Tatistcheff suggested approving the movement of the rock within a certain radius to be marked on the plan. Guarino suggested that a conditional approval could be given, such that approval was contingent on the approval of a designated commission member. Willard asked whether the stone could be moved two times, once to get it out of the way, and once to move it into its proper location once research had been conducted. Harris explained that the tribe does not have the funds to pay for such research, then to move the stone again and there is risk of damaging the rock each time it is moved. From the audience, Alan Carpenito, a South Street abutter asked if this work was within the area planned in the plan of record and was assured that it was by Commissioner Guarino. Harris also asked that a provision be put into a motion that if other ceremonial stones are found on location that they are not disturbed. It was decided that if other stones are found, Harris will return and other stones can be addressed at that time. There is no danger of the other stones being disturbed at this time.

Tatistcheff moved to approve the Well Plan as amended, to affirm that Option 1 is what was permitted with the exception of the hay bale line which has been moved to go around the rock, to approve Option 2, if the smaller stone needs to be moved, and to approve an alternative location for the larger stone that meets the needs of NITHPO, so long as Commissioner Bush or another Commissioner is shown the location and that that location be shown on the plan as a field change. Burn seconded the motion. All voted in favor.

9:05 DEP 125-0923 Notice of Intent

Applicant: Michael Kenny

Project Location: 67 Hanover Road

Project Description: Construction of a new single family home, a water supply well, portions of a driveway and associated clearing and grading

George Dimakarakos presented the project plan for the home owner. The new house will be located in the former location of the large house that was residence of the previous property owner. The land surrounding the site was developed as a gravel parking area but has since grown back. The plan is to put in a well, a patio, and some retaining walls in addition to the house. An

access driveway that was formerly to be a common driveway will be completed. Some of this driveway will be located in the 100-foot Buffer Zone. The previous house's septic system will be removed and filled in. The Board of Health has not yet approved the drip dispersal septic system that is planned for the new home. A drip dispersal system will allow for less grading. A dry well will be installed to deal with roof runoff. The limit of work will be defined by hay bales. Willard did a site visit and reports that the entire property sloped down to the wetland. There is extensive Oriental Bittersweet along the edge of the wetlands and she suggested a continuing condition allowing continued removal of invasive plants. Guarino asked whether they planned to clear the land up to the rock wall. Dimakarakos explained that they plan to clear up to the hay bale line, which is located before the rock wall; clearing further back would be too close to the wetlands. Burn noted that the only problems he saw with the plan were that they did not have permission from Natural Heritage and the Board of Health. **Burn moved to issue a Standard Order of Conditions to DEP 125-0923, contingent on the approval from Natural Heritage and Endangered Species Program and approval of the basic plan by the Board of Health, with the Continuing Condition to allow for hand and hand tools removal of invasive plants along the wetlands. Tatistcheff seconded the motion and all others voted in favor.**

9:20 DEP (125-0922) Notice of Intent, Continued Hearing

Applicant: Tanni Currin

Project Location: 56 Peter Hans Road

Project Description: addition of a deck/porch, addition of a covered entry and removal of foundation shrubs

Currin reported that upon a joint site visit, Willard had suggested to Currin that some changes be added to the plan. Currin explained that she originally planned to add a screen porch and patio and remove the overgrown shrubs and replace them with appropriately sized plantings around the house. The plan now includes all of that work as well as regrading and seeding the lawn, removing a dying tree behind the house, installing a gravel pathway to the barn, and repairing or replacing the barn, in the same or smaller footprint. A silt barrier has been added around the entire area.

Bush was concerned with replacing the barn. Currin explained that the barn is a full story with a loft. The roof is non-functioning and Currin is not sure what type of foundation it sits on. Bush wanted more details about how the barn would be replaced. Guarino suggested that it the barn could be repaired or replaced on the same foundation; if Currin decided that the foundation needed to be replaced or relocated then she would need to re-file. Brownrigg agreed. Tatistcheff felt that adding the barn to this plan was not advisable and any repairing or replacing of the barn should require a re-filing.

Bush moved to accept the plans and issue Standard Order of Conditions to DEP 125-0922, with the exception that the barn may be repaired down to the foundation but not replaced and that future barn construction would come before the Commission. Burn added a Continuing Condition to allow for the hand removal of invasive species. Bush seconded the motion and all voted in favor.

9:35 DEP 125-0918 Request to Amend Orders of Conditions

Applicant: Kevin Quinlan

Project Location: 10 Applegrove Lane

Project Description: construction of a 20x36 foot accessory building and associated grading within the 100-foot Buffer Zone of bordering vegetated wetland

Dimakarakos presented the amended plan. The Commission had previously approved that the applicant could clear woods in order to create a meadow. Now they would like to grade an area, lay down crush stone to help with roof runoff and erect a 20x36 foot structure. The structure has no foundation directly into the crushed stone.. Willard did a site visit and reports that the area is already fairly level. It is within the previous limit of work. **Ascolillo moved to issue Amended Orders of Conditions to DEP 125-0918 to allow for the building of a 20x36 foot structure as indicated on the plan dated August 2, 2012. Burn seconded the motion and all voted in favor.**

9:40 Lynn Knight, Land Stewardship Committee: Foss Farm Invasive Plant Management Plan

Lynn Knight came to update the Commission about invasive plant management. On July 24, 2012, at the field in Ben's woods on the Carlisle Conservation Foundation's Benfield Lands, four New England Wildflower Society members and volunteers from CCF cut Oriental Bittersweet vines and painted them with herbicide. Bittersweet seedlings were hand pulled. Knight said that it went very well, and reports that the Bittersweet in the trees is visibly dying. On July 25, 2012, the New England Wildflower Society members sprayed the Porcelain Berry in the field with herbicide. Knight has been monitoring it and reports that she has not seen any die back in the three weeks. A representative of New England Wildflower Society will go check on the situation shortly. Knight hopes that they will be willing to treat again without an additional charge.

Five treatment days are planned at Foss Farm: September 4, 10, 13, 14, and 17 from 9am-5pm, with rain dates of September 11 and 18. They plan to address the large Glossy Buckthorn patch, along the road into the Community Gardens and along the trail. Four people from New England Wildflower Society will be present to apply herbicide to the Buckthorn. The original plan was to do an 18in cut, but Knight reports that at the Benfield Land the New England Wildflower Society herbicide-painters were willing to do a ground level cut. Bush felt this was preferable because it allowed someone to mow the area as further Buckthorn control. During the treatment days, one volunteer with a chainsaw will cut down the Buckthorn patch, two volunteers will remove and pile the brush, and two people from New England Wildflower Society will apply herbicide to the cut Buckthorn. She also hopes to have two pairings of one Wildflower Society member to apply herbicide and one volunteer working on the trail and the road into the gardens. Knight is coordinating the volunteers. Knight plans to pile up the brush and burn it come burn season. Bush pointed out that if there was any poison ivy in the area, it should not be burned because the smoke would be dangerous. She was informed that there was no poison ivy in the Buckthorn patch but there is a lot of poison ivy in other areas. Audience member Jack O'Connor suggested that chipping the pile would be an option, particularly because there will be such a large amount of brush. Knight thought it would be possible to chip some of the brush and burn the rest. Knight and Willard will meet with DPW Superintendent Gary Davis about the possibility of chipping.

10:00 DEP 125-0855 110 Maple Street

Question on landscaping with old plan: DEP 125-571: COC issued 11/3/2005

Chair Guarino stepped down as she is an abutter and Vice Chair Ascolillo took over. In 2009 the owners, the Pietropoulos had Orders of Conditions to remove and then rebuild their house. They completed that project and have been trying to close out the Orders of Conditions. Before closing out the Orders of Conditions, they would like to do some landscaping plantings in the lawn area around the house. A landscaping plan was shown on their 2009 house plan, but was never done. They would like to implement this previously permitted landscape plan that was never undertaken before it is issued a Certificate of Compliance at their own request. Willard felt that if the Conservation Commission does not issue their requested COC, then they should be able to work on their landscape plan without refiling. Willard said that because the landscape plan is old, it is possible that some of the plantings specified are invasive. They should review the suitability of their plantings. An audience member suggested that it is also possible to put in plants that encourage native wildlife. Willard suggested the book Bringing Nature Home, by Douglas Tallamy as a good resource.

10:10 New/Pending or Old Business

Elliot LAND Grant

A site visit has been conducted with Celia Riechel of the Executive Office of Energy and Environmental Affairs to which the application was submitted. Willard felt that it went well and was attended by Tom Brownrigg, Lynn Knight, Sally Swift, John Gorecki from the Board of Selectmen and Maris Platais on behalf of the owner. Willard also reported that good letters of support have been sent from Billerica, Concord and Bedford. Willard will send thank you notes.

Foss Farm MCAD (Massachusetts Commission Against Discrimination)

MCAD decided in support of the town and the complaint was dismissed. The appeal period has passed and no charges have been filed.

Invasive Species

Tatistcheff reported that she talked with members of another Conservation Commission about field edge maintenance. In their town they apply Roundup, an herbicide to the field edges once per property. They report that they cannot get Multiflora Rose under control without using the Roundup. Each year after that, they hire a summer intern to weed-whack back any invasive plants that grew up over the previous year. It has been very successful in controlling invasive plants.

Towle Field Mowing Contract

Jack O'Connor came before the Commission to report that his contract to mow Towle Field calls for six mowings, but the money stipulated covers only five mowings. Guarino thought that the contract calls for two mowings and up to four more. O'Connor has already done three mowings and asked whether the Commission wanted the sixth mowing to be done. The Commission felt that five mowings would be sufficient. If necessary, they will authorize more money for a sixth mowing.

10:25 Burn moved to adjourn. Ascolillo seconded the motion and all voted in favor.

Respectfully submitted by
Amelia Cox